

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GARAUFIS, J.

MICHAEL PERKINS,
PLAINTIFF,

CIVIL RIGHTS COMPLAINT
42 U.S.C. Section 1983

POLLAK, M.J.

-against-

CITY OF NEW YORK; CHRISTIAN
VALENZUELA; ANTHONY LAFEMINA;
JACKSON; JOHN DOE #1; AND
JOHN DOE #2,

JURY DEMAND X YES
CV 17-423

DEFENDANTS.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JAN 24 2017 ★

1. Name of plaintiff: Michael Perkins

BROOKLYN OFFICE

Address: Brooklyn Detention Complex at 275 Atlantic
Avenue

Book & Case No.: 825-15-01283

2. Defendant No. 1: New York City Police Department

Job Title: Commander and Chief or Commissioner

Address: One Police Plaza, New York, N.Y. 10038

Defendant No.2: Christian Valenzuela #19271

Job Title: Police Officer

Address: 77th Precinct at 127 Utica Avenue, Brooklyn, N.Y.

Defendant no.3: Anthony LaFemina #11439

Job Title: Police Officer

Address: 77th Precinct at 127 Utica Avenue, Brooklyn, N.Y.

Defendant No.4: Jackson

Job Title: Police Officer/Rank Sergeant

Address: 77th Precinct at 127 Utica Avenue, Brooklyn, N.Y.

Defendant No.5: John Doe

Job Title: Police Officer

Address: 77th Precinct at 127 Utica Avenue, Brooklyn, N.Y.

1. On or about the 9th day of August, 2015, there was an alleged robbery of an Jordan Card and Police Officer Valenzuela #19271 violated the plaintiff's rights of due process (14th Amendment Rights of the United States Constitution) by showing a drunk Jordan Card a single photograph of the plaintiff and asking Jordan Card if the plaintiff was the individual whom robbed him at approximately 1815 hours which constitute suggestive identification. (see: Exhibit "A" hereto attached)

2. On or about the 9th day of August, 2015, Police Officer LaFemina #11439, violated the plaintiff's rights of due process (14th Amendment Rights of the United States Constitution) by showing Jordan Card a photo array approximately fortyfive minutes after police officer Valenzuela #19271 showed Jordan Card the single photograph of the plaintiff and police officer Lafemina placed the single photograph of the plaintiff in slot number four of the photo array at approximately 1900 hours. (see: Exhibit "B" hereto attached)

3. On or about the 22nd day of August, 2015, at approximately 1745 hours the plaintiff provided the police officer Lafemina #11439 with his attorney's information and invoked his right to counsel. (see: Exhibit "C" hereto attached)

4. On or about the 23rd day of August, 2015, police officer Lafemina #11439 attempted to have the plaintiff partake in a lineup voluntarily, without providing the plaintiff with his

and when the plaintiff refused to partake freely police officer LaFemina #11439 and several other police officer's assaulted the plaintiff and forced the plaintiff to partake in said lineup by handcuffing the plaintiff to the wall and placing leg irons on the plaintiff's ankles in violation of the plaintiff's 14th Amendment Rights of the United States Constitution and his 8th Amendment Rights of the United States Constitution. (see: Exhibit "D" hereto attached)

5. Defendant Jackson actions of failing to properly supervise his subordinates amounts to dereliction of duty which makes him just as guilty of violating the plaintiff's rights as the police officers whom committed the violations.

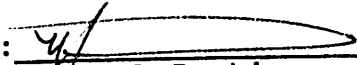
RELIEF:

1. The plaintiff seeks the total sum of \$5,500,000.00 (Five million fivehundred thousand) dollars pursuant to the violations of his constitutional rights.

2. I declare under penalty of perjury that on the 14th day of November, 2016, I delivered this complaint to prison authorities at the Brooklyn Detention Complex at 275 Atlantic Avenue, Brooklyn, N.Y. 11201, to be duly mailed to the United States District Court for the Eastern District of New York.



3. I declare under the penalty of perjury that the foregoing is true and correct.

DATED: November 14, 2016

Sign: 

Michael Perkins
Brooklyn Detention Complex
275 Atlantic Avenue
Brooklyn, N.Y. 11201

EXHIBIT "A"

  COMPLAINT - FOLLOW UP INFORMATIONAL REPORT - INTERVIEW IN-PERSON				Crime/Condition ROBBERY		Command 077-77TH PRECINCT Date of This Report 08/09/2015	
Date of UF81 08/08/2015		Date Case Assigned 08/08/2015		Complaint No. 2015-077-05050		Case No. 2015 - 406	
				Unit Reporting BRAM		Follow-Up No. 2	

Topic/Subject (INTERVIEW IN-PERSON) INTERVIEW OF CV		Activity Date 08/08/2015		Activity Time 18:15	
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Complainant's Name [REDACTED]		Address [REDACTED]		Apt No. [REDACTED]	
Nickname/Alias/Middle Name [REDACTED]					
Sex MALE		Race WHITE		Date of Birth [REDACTED]	
				Age [REDACTED]	
Home Telephone [REDACTED]		Business Telephone [REDACTED]		Cell Phone [REDACTED]	
				Beeper # [REDACTED]	
				E-Mail Address [REDACTED]	


Person Interviewed Last Name, First M.I. CARD, JORDAN		Address [REDACTED]		Apt No. [REDACTED]	
Nickname/Alias/Middle Name [REDACTED]					
Position/Relationship [REDACTED]		Sex MALE		Race [REDACTED]	
				Date of Birth [REDACTED]	
				Age [REDACTED]	
Home Telephone [REDACTED]		Business Telephone [REDACTED]		Cell Phone [REDACTED]	
				Beeper # [REDACTED]	
				E-Mail Address [REDACTED]	

Details Summary of Investigation: 1. On August 9, 2015, at approximately 1815 hours I did conduct an in person interview with the c/v [REDACTED] at the 77 BRAM office. The c/v stated the following to me in essence: Jordan stated he was walking s/b on Franklin Ave from 348 Franklin Ave (One Last Shag Bar) Responding officers did show c/v 1 a picture of the possible perp and asked Jordan is this the guy and the c/v acknowledged "Yes". Perp- Male black, lazy eye, 5'8 5'9 180lbs, facial hair C/v 1 contact- [REDACTED] 2. Submitted for your information	
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Activity Address Location OFFICE		Street [REDACTED]		City [REDACTED]		State [REDACTED]		Zip [REDACTED]		Apt # [REDACTED]	
Cross Street [REDACTED]				Intersection of and [REDACTED]				Premise Type [REDACTED]			

Reporting Officer: Rank POM		Name ANTHONY LAFEMINA		Tax Rep. No. [REDACTED]		Command 297-77 DET SQUAD	
Reviewing Supervisor: Manner of Closing -		Date Reviewed 08/27/2015		Date of Next Review [REDACTED]		Name PATRICK HAMILTON	
						Supv. Tax No. [REDACTED]	

EXHIBIT "B"

		COMPLAINT - FOLLOW UP INFORMATIONAL REPORT - PHOTO ARRAY		Crime/Condition ROBBERY		Command 077-77TH PRECINCT Date of This Report 08/09/2015	
Date of UF61 08/09/2015		Date Case Assigned 08/09/2015		Complaint No. 2015-077-05050		Case No. 2015 - 406	
Unit Reporting BRAM		Follow-Up No. 3					


Topic/Subject (PHOTO ARRAY) CV JORDAN CARD VIEWING OF PHOTO ARRAY		Activity Date 08/09/2015		Activity Time 19:00	
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Complainant's Name [REDACTED]		Address [REDACTED]		Apt No. [REDACTED]	
Nickname/Alias/Middle Name [REDACTED]					
Sex MALE		Race WHITE		Age [REDACTED]	
Home Telephone [REDACTED]		Business Telephone [REDACTED]		Cell Phone [REDACTED]	
Beeper # [REDACTED]		E-Mail Address [REDACTED]			

Person Interviewed Last Name, First M.I. CARD, JORDAN		Address [REDACTED]		Apt No. [REDACTED]	
Nickname/Alias/Middle Name [REDACTED]					
Position/Relationship [REDACTED]		Sex [REDACTED]		Race [REDACTED]	
Date of Birth [REDACTED]		Age [REDACTED]			
Home Telephone [REDACTED]		Business Telephone [REDACTED]		Cell Phone [REDACTED]	
Beeper # [REDACTED]		E-Mail Address [REDACTED]			


Details					
<p>Summary of Investigation: 1. On August 9, 2015, at approximately 1900 hours CV [REDACTED] and I were present at 77 Pct Detective Squad. I did to show a photo array of suspect Michael Perkins // NYSID# [REDACTED] to CV [REDACTED] in regards to this investigation. The photo array was produced through the Photo Manager system. Prior to the showing of the Photo Array I read the instructions verbatim from the Photo Array Pre-Viewing Instructions Report. The victim then placed his initials on the bottom of the form.</p> <p>I presented the CV a closed letter size manila envelope containing one photo array. I then asked the CV if he recognized anyone in the Photo Array? The CV stated "Yes". I then asked "What is the number of the photograph of the person that you recognize?" The CV stated "Number 4". I then asked "From where do you recognize that person?" The CV stated "The person that robbed me". The CV then signed and circled the Photo Array under position #4. The CV then signed dated and time stamped the Photo Array Viewing Report. I instructed the CV verbatim "Do not discuss with any other witnesses or victims what you observed or said or did during this identification procedure".</p> <p>2. The following documents are attached to the case folder:</p> <ul style="list-style-type: none"> -Photo Array Pre-Viewing Instructions Report -Photo Array Viewing Report -Photo Array Information Report -Photo Array -Photo Manager System produced Photo Array Report <p>3. Submitted for your information.</p>					

Activity Address Location OFFICE		Street		City		State		Zip		Apt #	
Cross Street				Intersection of and				Premise Type			

ATTACHMENT	
No	Attachment
1	 1439165727458_150809201430-1590843.pdf
Description	

Reporting Officer:		Rank POM		Name ANTHONY LAFEMINA		Tax Reg. No. [REDACTED]		Command 297-77 DET SQUAD	
Reviewing Supervisor:		Manner of Closing -		Date Reviewed 08/10/2015		Date of Next Review		Name JOHN JACKSON	
								Supv. Tax No. [REDACTED]	

EXHIBIT "C"

		COMPLAINT - FOLLOW UP INFORMATIONAL REPORT - GENERAL INVESTIGATION			Crime/Condition ROBBERY	Command 077-77TH PRECINCT Date of This Report 08/23/2015
Date of UF81 08/09/2015	Date Case Assigned 08/09/2015	Complaint No. 2015-077-05050	Case No. 2015 - 406	Unit Reporting BRAM	Follow-Up No. 18	
Complainant's Name [REDACTED]		Address [REDACTED]			Apt No. [REDACTED]	
Nickname/Alias/Middle Name [REDACTED]						
Sex MALE	Race [REDACTED]	Date of Birth [REDACTED]	Age [REDACTED]			
Home Telephone [REDACTED]	Business Telephone [REDACTED]	Cell Phone [REDACTED]	Beeper # [REDACTED]		E-Mail Address [REDACTED]	
Activity Address Location OFFICE		Street	City	State	Zip	Apt #
Cross Street		Intersection of and			Premise Type	
Activity Date 08/22/2015			Activity Time 17:45			
Topic/Subject: LAWYER REQUEST AND INFORMATION BY PERPETRATOR						
Summary of Investigation: 1. On August 22, 2015, at approximately 1745 hours Michael Perkins did provide me with his lawyers name and requested a lawyer on his behalf. - Legal Aid Society- Melissa Mcgrane (Criminal Defense Lawyer) 49 Thomas Street NY, NY (Tel) [REDACTED]						
2. Submitted for your information						
Reporting Officer:	Rank POM	Name ANTHONY LAFEMINA		Tax Reg. No. [REDACTED]	Command 297-77 DET SQUAD	
Reviewing Supervisor:	Manner of Closing -	Date Reviewed 08/27/2015	Date of Next Review	Name PATRICK HAMILTON	Supv. Tax No. [REDACTED]	

JS 44 (Rev. 1/2013)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Michael Perkins, # 825-15-01283, Anna M. Kross Center (C-95), 18-18 Hazen Street, East Elmhurst, NY 11370

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Pro Se: See Above

DEFENDANTS

New York City; Christain Velenuzuela # 19271; Anthony Lafemina # 11439; Jackson; John Doe # 1; John Doe # 2

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | |
|-----------------------------------------|--------------------------------------------------------------|--------------------------|--------------------------|
| PTF | DEF | PTF | DEF |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen of U.S. | Incorporated or Principal Place of Business in U.S. | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen of Another State | Incorporated or Principal Place of Business in Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine Product Liability <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:
Civil Action Pursuant To 42 USC 1983

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE NG/CLP

DOCKET NUMBER 92-cv-4938(NG)(CLP)

DATE

SIGNATURE OF ATTORNEY OF RECORD

01/24/2017

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, _____, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☐ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- ☐ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? NO
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? NO
 - b) Did the events of omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? _____

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☐ Yes

☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes

(If yes, please explain)

☐ No

I certify the accuracy of all information provided above.

Signature: _____